

# United States District Court

for the  
Western District of New York

United States of America

v.

Case No. 24-mj-1178

NICHOLAS MANGIONE

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From on or about August 9, 2024, to on or about August 15, 2024, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendant, NICHOLAS MANGIONE, having a prior conviction under Chapter 110 of Title 18 of the United States Code, did:

- (1) transport child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer; and
- (2) knowingly possess any material that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer;

all in violation of Title 18, United States Code, Sections 2252A(a)(1) and 2252A(a)(5)(B).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Sworn to before me and signed telephonically.

Date: October 1, 2024

City and State: Buffalo, New York

  
Complainant's signature

Eric Daigler, Task Force Officer, FBI  
Printed name and title

  
Judge's signature

HON. JEREMIAH J. MCCARTHY, USMJ  
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Eric Daigler, being duly sworn, depose and say:

1. I am a Task Force Officer of the Federal Bureau of Investigation and have been on the Child Exploitation Task Force (CETF) since September, 2023. I have been employed as a police officer with the New York State Police (NYSP) since April, 2003. As a member of the CETF, I work on cases associated with the Violent Crimes Against Children program, which targets individuals involved in the online sexual exploitation of children. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging **NICHOLAS MANGIONE** ("MANGIONE") having a date of birth of July 1980, with a violation of Title 18, United States Code, Sections 2252A(a)(1) [distribution of child pornography following a prior conviction] and 2252A(a)(5)(B) [possession of child pornography following a prior conviction].

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, the review of documents and records related to this case, and

upon my training and experience. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in sum and substance and in part only. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MANGIONE violated Title 18, United States Code, Sections 2252A(a)(1) and 2252A(a)(5)(B).

4. On April 30, 2024, Snapchat, Inc. reported to the National Center for Missing and Exploited Children (NCMEC) that two (2) files of suspected child sexual abuse material were uploaded by username “eastcoast716”. Snapchat also reported the telephone number associated with the account was 716-XXX-6838 and the email address that created the account was a particular Gmail email account (“Subject Gmail Account”).

5. NCMEC sent the Cybertip report (further identified as Cybertip 192692023) to the New York State Police (NYSP) Internet Crimes Against Children Task Force (NYSP ICAC), and ICAC Case #: 2024-1101 was generated.

6. On or about May 28, 2024, an administrative subpoena was sent to Ooma for the subscriber information associated with 716-XXX-6838. Ooma responded with the following information:

- Subscriber name: NICK MANGIONE
- Length of Service: 01/12/2023 – Currently Active

7. On or about May 15, 2024, an administrative subpoena was served on Google,

Inc. requesting subscriber information for the Subject Gmail Account provided in the information provided by Snapchat. On or about June 10, 2024, Google responded with the following information:

- Google Account ID: 5909XXXX4681
- Name: Nick
- Created on: 2009-12-07 22:29:32 Z
- Recovery email: nickmangione37@[XXXXXX].com
- Recovery SMS: +1716XXX0670
- Login IP: 2607:fb90:df29:70a:690a:e99b:dc0c:921c on 05-14-2024 21:38:59UTC

Later in the investigation, it was learned that the recovery SMS phone number tied to this Google account is the same number the MANGIONE has used on his sex offender registration forms.

8. On or about June 20, 2024, an administrative subpoena was sent to T-Mobile requesting the subscriber information for IP address 2607:fb90:df29:70a:690a:e99b:dc0c:921c on 05-14-2024 21:38:59UTC. On or about July 30, 2024, T-Mobile responded with the following information:

- T-Mobile phone number response: 716-XXX-7765
- Subscriber Name: NICHOLAS MANGIONE
- IMEI: 352930677507602

T-Mobile further provided that the subscriber address for this account was a location in Buffalo, NY, which was believed to be the residence of MANGIONE (Subject Residence).

9. On August 14, 2024, Buffalo City Court Justice Andrew C. LoTempio, signed a search warrant for the Subject Residence, as well as for MANGIONE. On August 15, 2024, members of the New York State Police executed a search warrant at the Subject

Residence, at which time MANGIONE answered the door and was the lone occupant of his studio apartment. MANGIONE agreed to be interviewed outside of the apartment complex, and your affiant interviewed him at the rear of my assigned unmarked NYSP vehicle. Your affiant advised MANGIONE of the purpose of the search warrant at his residence. Early in the interview, MANGIONE indicated his only electronic device was a cell phone, which he produced from his pocket and handed to your affiant. MANGIONE indicated, and your affiant confirmed, that his cell phone was an iPhone 14, which is manufactured outside of New York State. MANGIONE stated he had previously been the target of a “pornography” investigation by Homeland Security and indicated there would be images of “developed” males on his phone. MANGIONE indicated he recalled the Subject Gmail Account provided in the report from Snapchat and the Snapchat username “eastcoast716” associated with the Cybertip outlined above. MANGIONE acknowledged creating the Snapchat account and being on the New York State Sex Offender Registry.

10. As the interview progressed, MANGIONE indicated his phone had images of “teenagers getting off”. When asked how old the youngest teenager on his phone was, MANGIONE responded “14 or 13, but they’re developed”. When asked if he believed there would be a 14 or 13 year developed child on his phone, MANGIONE responded “yes sir”. MANGIONE was shown a portion of the first video from the Cybertip report (entitled “eastcoast716...content.mp4” (description included below), and when asked if he recalled the video, MANGIONE remarked “vaguely”, and when asked how old the child in the video was, MANGIONE stated “probably like 13 or so”.

11. During the course of the investigation, New York State Police Computer

Crimes Unit (CCU) Investigator Matthew Brewer conducted a field preview of the MANGIONE's cell phone after he placed the phone in airplane mode. Investigator Brewer conferred with your affiant and advised that within the "recently deleted" and "hidden" folders on MANGIONE's cell phone were numerous videos containing child pornography. Your affiant viewed several of the videos and observed imagery showing infants being sexually assaulted both orally and vaginally/anally. When asked when the last time he accessed the videos in his "recently deleted" folder MANGIONE responded "a few weeks". When asked what application he used to access the videos in question, MANGIONE indicated he used Telegram, which is an application that utilizes the internet. Investigator Brewer accessed the Telegram application within MANGIONE's cell phone and discovered the exchange of CSAM imagery between MANGIONE and other unidentified parties. Investigator Brewer captured photographs of MANGIONE's Telegram exchange which shows MANGIONE posting a video that depicts an approximately 13-year-old male child with an adult male's penis in his mouth. It is unclear what date MANGIONE shared the video, but on July 24,<sup>1</sup> another party commented "Fuvkin hot!". Additionally in the Telegram application, on August 2, MANGIONE inquired "got any babies or teens?", and then shared a link to a MegaNZ file. Additionally in the Telegram application, on August 9, MANGIONE shared two videos that depicted an adult male inserting his penis into the anus of an infant in one video, and the anus of a child whose body structure would lead your affiant to believe the child is under 5 years of age. After these videos were shared, MANGIONE commented "I got more babies like these if you help me out lol".

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<sup>1</sup> When reviewing the Telegram conversations in airplane mode, only the month and day is listed, not the year. However, based on my interview with MANGIONE during which he stated he was recently using Telegram, it is believed that the year for this Telegram conversations, and the others that appear in this affidavit are from 2024.

12. Throughout MANGIONE's interview, he repeatedly acknowledged being on the New York State Sex Offender Registry and your affiant pointed out to him he had used accounts not listed on his registry. MANGIONE indicated he didn't "give a shit" about the registry and cited the difficulties it has caused him in securing housing, and he also complained about being a level 2 sex offender and cited an incident that occurred when he was a minor being used against him.

13. The table below outlines some of the files relevant to this investigation, and based on my training and experience I believe all of the files constituted child pornography:

FILE NAME	DESCRIPTION
eastcoast716...content.mp4 (Cybertip video confirmed by MANGIONE)	The file is a 1 minute and 19 second video that depicts a prepubescent male child, roughly 10 years of age. The child is naked with his penis exposed. The child appears to be on the bottom bed of a bunk bed and is observed masturbating throughout the video.
IMG_0780.mp4 (present on MANGIONE's iPhone)	This video is 50 seconds in length and depicts an adult male with his penis inserted through a cut diaper and into the anus of a child whose body structure appears to be that of a child under 5 years of age. An adult male can be overheard stating "you wanna make me happy don't you?" and the child can be overheard stating "it's hurting me" as well as wincing and crying in pain.
IMG_0860.mp4 (appears on Telegram chat)	This video is 28 seconds in length and depicts an adult male's penis pressed against the anus of an infant. The video concludes with the male ejaculating on the back of the infant.
IMG_0844.mp4 (present on MANGIONE's iPhone)	This video is 1 minute and 1 second in length. The video depicts an adult male with his penis being inserted into the mouth of an infant. The male can be overheard stating "take my fucking cock" and "you a good girl". The infant can be seen and heard choking on the male's penis and crying uncontrollably as the male repeatedly inserts his penis into the infant's throat.

14. On September 17, 2024, your affiant obtained an examination of

MANGIONE's cell phone from Investigator Brewer. Inv. Brewer described MANGIONE's cell phone as an Apple iPhone, model: A2649 (iPhone 14), internal storage capacity: 128 GB, IMEI: 356795450041251, S/N: GL4TM430JW, phone number: +1 (716) XXX-0670, operating system version: Apple iOS (17.6.1). Inv. Brewer indicated a "logical and advanced logical acquisition of the phone was obtained using Cellebrite" was obtained from the cell phone, and also a manual examination of the device was conducted while the phone was in airplane mode. Inv. Brewer discovered a SnapChat user account name "eastcoast716", as well as the Subject Gmail Account which shows was created on January 17, 2023, both matching the report in NCMEC CybertipReport outlined above. Inv. Brewer noted the presence of 20 images and 52 videos on MANGIONE's cell phone, which in his opinion, constituted child pornography. Your affiant reviewed the 20 images and 52 videos and agrees with Inv. Brewer's opinion that these files depict child pornography. The videos described above that are entitled IMG\_0780.mp4, IMG\_0860.mp4, IMG\_0844.mp4 were all present on MANGIONE's device upon Inv. Brewer's examination. Also present on MANGIONE's cell phone was the search "masturbate with friends i am a boy", which appears to have been searched by MANGIONE on August 10, 2024 at 11:42 a.m.

15. During Inv. Brewer's manual exam of MANGIONE's cell phone, numerous Telegram messages between MANGIONE and unidentified individuals were located. The following conversation was observed between MANGIONE and another user identified with the initials T.P.:

February 26:

MANGIONE: "What taboos are you into besides zoo?"  
 "I like younger and boys"



T.P.: “I like younger and boys A LOT”  
“Lol”  
“I wish till I had some I could fuck, you have any exp?  
“Other taboos, forced intoxication, beast obviously,  
general invest, and depending on how horny I am, rape,  
lol, which I’m horny basically 24/7 so...yeah, that pops  
up probably more than it should”  
“Lol”

MANGIONE: “Incest is hot. I slept with my foster brother from when  
he was 13-30. Do you wanna trade boys?”

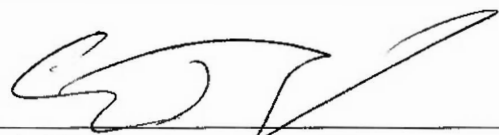
Telegram messages from March 5 were also located, during which MANGIONE mentioned to T.P. that he lives in Buffalo and “I prefer tiny kids or boys 12-14 esp vide with brothers”. MANGIONE then appeared to send T.P. 11 videos that contain child pornography. T.P. sent MANGIONE numerous videos containing child pornography, with MANGIONE responding with others, all containing child pornography. MANGIONE eventually stated “Need babies and brothers” with T.P. indicating he needs the same. MANGIONE sends T.P. numerous MegaNZ folder links. T.P. inquired on what MANGIONE would like in exchange, with MANGIONE responding “ages 0-5 man boy and 12-14 alone with brother/friend”. From March 5 through August 2, both parties exchanged numerous images and videos containing child pornography. On August 2, MANGIONE inquired “Got any babies or teens?” and sent a MegaNZ link as well as file “IMG\_0860.mp4”, which is described above. MANGIONE then commented “I got more babies like these if you help me out lol”. Throughout Inv. Brewer’s manual examination of MANGIONE’s cell phone, numerous additional videos and images containing child pornography were sent and received within the Telegram application between MANGIONE and unidentified parties.

16. On August 16, 2024, MANGIONE was taken into custody by members of the New York State Police, including your affiant, and charged with New York State Penal Law offenses related to the possession of and dissemination of child pornography. At the time of his arrest, which was one day after the execution of the search warrant, MANGIONE had obtained a new cellular phone, an Apple iPhone 14. Your affiant inquired with MANGIONE as to what his new cell phone number was. MANGIONE indicated he retained the same phone number he previously had, prompting your affiant to inquire if he had downloaded the contents from his new cell phone from a cloud account, to which MANGIONE indicated he had. MANGIONE consented to a search of his new cell phone and your affiant conducted a brief field preview of the device and quickly located numerous images containing child pornography within the “recently deleted” folder within the device.


17. Through the course of this investigation, it was determined MANGIONE was the subject of a prior investigation in 2012 conducted by the United States Department of Homeland Security where he was found in possession of child pornography after a search warrant was conducted on his residence in Depew, New York. On April 8, 2013, MANGIONE entered a plea of guilty to a violation of Title 18, United States Code, Section 2252A(a)(5)(B) (Possession of Child Pornography). In the factual basis for the plea, MANGIONE admitted that he possessed 13 videos and 7 images of child pornography stored on a laptop computer that he obtained over the internet. On July 31, 2013, MANGIONE was sentenced to 48 months imprisonment followed by 5 years supervised release by District Judge William M. Skretny. MANGIONE’s supervision commenced on March 24, 2017,

and as such, he would have been terminated from supervision on or about March 24, 2022.

18. Based on the above information, I assert that probable cause exists to believe that **MANGIONE** violated Title 18, United States Code, Sections 2252A(a)(1) and 2252A(a)(5)(B). I therefore request that the Court issue the requested criminal complaint.

  
Eric Daigler, Task Force Officer  
Federal Bureau of Investigation

Sworn and subscribed telephonically  
this 1<sup>st</sup> day of October 2024.

  
HON. JEREMIAH J. MCCARTHY  
United States Magistrate Judge